APPEAL NO. 021839
FILED SEPTEMBER 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing (CCH) was held on June 19, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____; that the compensable injury extends to and includes the L2-3, L3-4, L4-5, and L5-S1 discs; and that the claimant had disability from _____, and continuing through the date of the CCH. The appellant (carrier) appeals, arguing that the determinations of the hearing officer are so against the great weight of the evidence as to be manifestly wrong and unjust. The claimant responds, urging affirmance.

DECISION

Affirmed as reformed.

There was conflicting evidence presented on the factual questions of compensability, extent of injury, and whether there was disability. The carrier contends that the claimant's description of the incident is a physical impossibility. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

The carrier contends that the claimant did not sustain his burden of proving a compensable injury in this case because he did not present expert medical evidence of causation. Where, as here, the claimant asserts that he injured his back in a specific incident at work, we cannot agree that causation is so outside common experience as to require expert evidence of causation to a reasonable degree of medical probability. Texas Workers' Compensation Commission Appeal No. 93560, decided August 19, 1993. A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the factual findings of the hearing officer.

Because the carrier is liable for medical benefits as well as income benefits, we reform the "Order" in the hearing officer's Decision and Order to specifically state that the carrier is ordered to pay medical and income benefits in accordance with this decision, the 1989 Act, and the rules of the Texas Workers' Compensation Commission.

We affirm the decision and order of the hearing officer as reformed.

The true corporate name of the insurance carrier is **REDLAND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CT CORORATION
811 DALLAS AVENUE
HOUSTON, TEXAS 77002.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Susan M. Kelley
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge